

<sup>1</sup> The Reorganized Debtor's last four digits of its taxpayer identification number are (6725). The headquarters and service address for the above-captioned Reorganized Debtor is 100 Crescent Court, Suite 1850, Dallas, TX 75201.

**HIGHLAND CAPITAL MANAGEMENT, L.P.’S RESPONSE IN OPPOSITION TO  
DEFENDANT’S SECOND MOTION FOR LEAVE TO AMEND ANSWER**

Highland Capital Management, L.P. (“Highland” or “Plaintiff”), the plaintiff in the above-captioned adversary proceeding (the “Adversary Proceeding”) and the reorganized debtor<sup>2</sup> in the above-captioned chapter 11 case (the “Bankruptcy Case”), hereby submits this response in opposition (the “Objection”) to *Defendant’s Second Motion for Leave to Amend Answer* [Docket No. 82]<sup>3</sup> (the “Motion”) filed by Highland Capital Management Fund Advisors, L.P. (“HCMFA” or “Defendant”). In support of its Objection, Highland states as follows:

**RELIEF REQUESTED**

1. By this Objection, Highland respectfully requests that the Court enter an order denying HCMFA’s Motion seeking leave to file a second amended answer.
2. Contemporaneous with the filing of this Objection, Highland is filing (i) its *Memorandum of Law in Opposition to Defendant’s Second Motion for Leave to Amend Answer* (the “Brief”), and (ii) the *Appendix in Support of Highland Capital Management, L.P.’s Opposition to Defendant’s Second Motion for Leave to Amend Answer* (the “Appendix”). Highland fully incorporates in this Motion by reference the arguments and evidence set forth in its Brief and Appendix.

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<sup>2</sup> On February 22, 2021, the Court entered the *Order (i) Confirming the Fifth Amended Plan of Reorganization (as Modified) and (ii) Granting Related Relief* [Bankr. Docket No. 1943] (the “Confirmation Order”) which confirmed the *Fifth Amended Plan of Reorganization of Highland Capital Management, L.P.*, as modified (the “Plan”). The Plan went Effective (as defined in the Plan) on August 11, 2021, and Highland is the Reorganized Debtor (as defined in the Plan) since the Effective Date. *See Notice of Occurrence of Effective Date of Confirmed Fifth Amended Plan of Reorganization of Highland Capital Management, L.P.* [Bankr. Docket No. 2700].

<sup>3</sup> Refers to the docket number maintained in this Adversary Proceeding.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Highland respectfully requests that the Court enter an order (i) denying in whole the relief requested in the Motion, and (ii) granting Highland such further and additional relief as the Court deems just and proper.

Dated: December 30, 2021.

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